



JOHN AND WHITNEY, M.D.
State Health Officer

JOHN AND WHITNEY, M.D., PH.D.
Acting State Health Officer

STATE OF NEVADA

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH DIVISION

BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

NOTICE OF INTENT TO IMPOSE SANCTIONS AND ORDER OF BAN ON ADMISSIONS

HAND DELIVERY

April 6, 2009

Attention: David Damschen, Administrator
BHC West Hills Hospital
1240 East Ninth Street
Reno, NV 89515

YOU ARE HEREBY NOTIFIED that the HEALTH DIVISION orders a ban on all new admissions effective immediately. The HEALTH DIVISION finds that the public health, safety or welfare requires this emergency action of a ban on admissions at this hospital.

YOU ARE ALSO HEREBY NOTIFIED that the HEALTH DIVISION intends to impose monetary sanctions, a directed plan of correction, and monitoring effective eleven working days after your receipt of this notice.

As of April 7, 2009 at 7 a.m., WEST HILLS HOSPITAL must ban all new admissions to safeguard the health, safety and well-being of recipients receiving services regardless of payment source and to prevent the admissions of a person who cannot adequately be served by the hospital. This ban must be imposed for not less than 72 hours and must be terminated if the hospital demonstrates that substantial improvements have been made to correct deficiencies and that the health safety and well-being of recipients are adequately safeguarded.

NAC 449.99883 requires WEST HILLS HOSPITAL to post a notice of the ban on admissions at all public entrances to the hospital within 48 hours of receipt of this notice. The notice must be not less than 15 inches by 20 inches in size and include the words "NOTICE OF BAN OF ADMISSIONS" printed in boldface type not less than 1 and 1/2 inches in size; a statement identifying a member of staff of the hospital who will provide additional information relating to the ban on admissions; and the number of the Bureau of Health Care Quality and Compliance. Failure to post or removal of the notice is a deficiency with a severity level of three and a scope level of three.

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As required by NAC 449.99883, WEST HILLS HOSPITAL must advise any person contacting the hospital in writing, by telephone or any other means of telecommunication about the ban on admissions. Failure to notify any person seeking services of the ban on admissions is a deficiency of severity level two and a scope level of three.

Statutory or Regulatory Authority

The Health Division is imposing sanctions on your hospital in accordance with Nevada Revised Statutes (NRS) 449.163 through 449.170 and Nevada Administrative Code (NAC) 449.9982 through 449.99939. The imposition of sanctions is based on the severity and the scope of the deficiency as defined by NAC 449.99861 and NAC 449.9986 and is set forth in Attachment A. Nevada Administrative Code 449.99881 indicates the Bureau may impose a ban on admissions with which the facility must comply.

NAC 449.99885(2) authorizes the Bureau to monitor the hospital to determine on-going compliance with state and federal regulations.

NAC 449.9987(2) authorizes the Bureau to develop a directed plan of correction with which the facility must comply. The Bureau has developed a directed plan of correction as indicated in Attachment B.

NAC 449.99895 authorizes the Bureau to impose monetary penalties. The Bureau is imposing initial monetary penalties of \$1,000 assessed for each deficiency at TAG S-055, TAG S-090, TAG S-291, TAG S-298, and TAG S-300 cited in the survey finalized on March 9, 2009. NAC 449.99899(2) indicates for initial deficiencies with a severity level of four an initial monetary penalty of \$1,000 per deficiency must be imposed. No daily penalty will be imposed at this time.

The Bureau is imposing initial penalties of \$400 assessed for each deficiency at TAG S-060 and TAG S-311. NAC 449.99899(4) indicates for initial deficiencies with a severity level of three and a scope level of two or less, an initial monetary penalty of \$400 per deficiency must be imposed. No daily penalty will be imposed at this time.

Total of Monetary Penalties = \$5,800.

NAC 449.99904 indicates the requirements for reduction of the penalty.

NAC 449.99908 indicates the time allowed for the payment of the penalty.

NAC 449.99911 indicates the possible consequences for failure to pay the penalty.

Facts Supporting the Sanction

The Bureau initiated a survey on February 3, 2009 and finalized the survey on March 9, 2009. The specific factual findings that serve as the basis of the underlying deficiencies are set forth in the Statement of Deficiencies and Plan of Correction (SOD/POC) in Attachment A.

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Other Circumstances Considered

A federal survey conducted on October 20, 2008 through October 22, 2008 found an immediate jeopardy on October 20, 2008. The immediate jeopardy and/or other significant finding placed patients at risk for serious injury, harm, impairments, or death due to the hospital's failure to maintain the safety of patients requiring monitoring and failure to assess a patient after an incident that may have resulted in significant injury.

A combined federal and state licensure survey conducted on February 3, 2009 and finalized on March 9, 2009 found an immediate jeopardy and/or other significant finding that placed patients at risk for serious injury, harm, impairment, or death due to the hospital's failure to maintain the safety of patients requiring monitoring, failure to assess patients after an incident that may have resulted in significant injury, and failure to keep a safe environment related to fire safety. An unacceptable plan of correction was received from the facility on April 2, 2009.

Notice of Right to Appeal

Nevada Revised Statutes 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 PM on the 10th working day after you received this notice. The local Bureau of Health Care Quality and Compliance office cannot accept your appeal. Your written appeal must specify: a) The action to be contested; b) The name of the division officer or employee who signed this notice; c) The reasons that the appellant believes the action is incorrect; and d) Whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process. You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

Effective Date of Sanction

The ban on admissions, monitoring and the directed plan of correction are effective immediately. For the monetary penalties, the effective date of the action will be stayed, pending the hearing on appeal if you submit a timely request for appeal. If you do not request a hearing within the next ten working days, you will waive your rights to a hearing and the sanctions other than the ban on admissions will be imposed as of the 11th working day after you receive this notice.

In order for the ban on admissions to be removed from the facility, the facility must:

1. Conduct a root cause analysis of the safety concerns identified, develop a plan which addresses the cause of the problems, and implement the plan;
2. Provide the Health Division with an acceptable Plan of Correction;

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3. Comply with the provisions of the directed Plan of Correction as identified in Attachment B;
4. Receive a re-visit and at the time of the re-visit be in compliance with the regulations for which the ban was imposed; and
5. Receive notice from the Health Division that the ban has been removed.

Reduction of Monetary Penalties

If you waive your right to hearing, correct the deficiencies and pay the fines within 15 days of this notice, your penalty will be reduced by 25% pursuant to NAC 449.99904.

Payments

Payments for monetary penalties must be made to the Bureau of Health Care Quality and Compliance at 1550 E. College Parkway, Suite. 158, Carson City, NV 89706.

Other Notifications

The Bureau must upload information about sanctions applied to medical facilities to the National Practitioners Databank within 30 days of providing the sanction notice to the facility.

If you have any questions about this notice or the contents therein, please call me at 775-687-4475, ext. 235.

Sincerely,

Leticia Metherell, HFS III

Leticia Metherell, RN, BSN, Health Facilities Surveyor III
For Marla L. McDade Williams, MPA, Bureau Chief

Attachments: Attachment A: Statement of Deficiencies/Plan of Correction
Attachment B: Directed Plan of Correction

cc: Richard Whitley, M.S. Administrator, Health Division
Linda Anderson, Chief Deputy Attorney General